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6	Facsimile: (213) 897-2804 Attorneys for Complainant							
7								
BEFORE THE BOARD OF REGISTERED NURSING								
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA							
10								
11	In the Matter of the Accusation Against: Case No. 2011-448							
	GLORIA ANNE CONTRERAS, a.k.a							
12	Gloria Anne Spence 504 Nebraska Ave. ACCUSATION							
13	Long Beach, CA 90802							
14	Registered Nurse License No. 561380							
15	Respondent.							
16	respondent.							
17	Complainant alleges:							
18	PARTIES							
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her							
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department							
21	of Consumer Affairs.							
22	2. On or about December 17, 1999, the Board of Registered Nursing (Board) issued							
23	Registered Nurse License Number 561380 to Gloria Anne Contreras, aka Gloria Anne Spence							
24	(Respondent). The Registered Nurse License was in full force and effect at all times relevant to							
25	the charges brought herein and will expire on January 31, 2011, unless renewed.							
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15.16.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 490 states pertinent part:
- "(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession of or which the license was issued.
- "(b) Notwithstanding any other provisions of law, a board may exercise any authority to discipline a licensee for a conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.
- "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contenre. Any action that a board is permitted to take following the establishment of a conviction maybe taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."
- 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 6. Section 2761 states, in pertinent part:
- "The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
 - "(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(d) Violating or attempting to violate, indirectly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or regulations adopted pursuant to it.

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public healthy, safety, or welfare."

COST RECOVERY

8. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have a committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crimes)

9. Respondent is subject to disciplinary action under sections 2761, subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent has been convicted of crimes substantially related to the qualifications, functions or duties of a registered nurse, as follows:

a. On or about January 3, 2008, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Penal Code section 484(a) [petty theft] in the criminal proceeding entitled *The People of the State of California v. Gloria Anne Contreras* (Superior Ct. Los Angeles County 2008, No. 7LG-7013). The Court sentenced Respondent to one day in Los Angeles County jail and placed her on three years probation, with terms and conditions. The underlying factual circumstances of the arrest pertain to shoplifting books and assorted items from Costco that were valued at \$109.70.

b. On or about January 23, 2009, after pleading nolo-contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 484(e) [petty theft] in the criminal proceeding entitled *The People of the State of California v. Gloria Ann Contreras aka Gloria Ann Spence* (Superior Ct. Los Angeles County), (2008 No. 8BF05116). The court sentenced Respondent to one day in jail, and placed Respondent on three years probation with terms and conditions. The underlying factual circumstances occurred on September 22, 2008, Respondent shoplifted merchandise from T. J. Max.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

10. Respondent has subjected her license to discipline pursuant to section 2761, subdivisions (a) and (d), in that on or about November 6, 2007 and September 22, 2008, Respondent committed acts which constituted unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 9, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the maters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Revoking or suspending Registered Nurse License No. 561380, issued to Gloria Anne Contreras aka Gloria Ann Spence.
- 2. Ordering Gloria Anne Contreras aka Gloria Ann Spence to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3.

1	3. Tak	ring such oth	er and furthe	er action as deemed	l necessary and pro	oper.	
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6	DATED:	11/10	Ju I	LOUISE R. BA	ILEY, M.ED., RN		
7			72	Board of Regist	ILEY, M.ED., RN ve Officer ered Nursing Consumer Affairs nia		
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